

# EXHIBIT H

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA**

**JASON KESSLER**

**Plaintiff**

**vs.**

**City of CHARLOTTESVILLE et al.,**

**Defendants**

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**CASE NO: 3:18cv00015**

**DEFENDANT JASON KESSLER'S RESPONSES TO DEFENDANT'S FIRST  
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

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Now comes defendant Jason Kessler and responds to defendants first set of Interrogatories and Request for Documents as follows:

**I. DISCOVERY REQUESTS**

1. Describe in detail any and all actions you have taken since the 2017 Event to plan, organize, and invite attendees to the Proposed Event; and identify any person, organization, and/or other entity you have communicated with about or invited to the Proposed Event, including, but not limited to: Brian Lambert; Canan MacImay; Cole Harris; Patrick Palmer (also known as "Hagan Frisbadli"); Charles Myers; Kyle Rogers; Marcus Boechat; Brion Keith Baker; Matthew Heimbach; Michael "Enoch" Peinovich; Kyle Sean Chapman; Andrew Anglin; Matthew Parrott; Jeff Schoep; Unity and Security for America and its members individually; the

Fraternal Order of Alt-Knights (also known as the "Proud Boys") and its members individually; the Rebel Brigade of Knights and its members individually; the Confederate Knights of the Klan and its members individually; Patriot Front and its members individually; Nationalist Front and its members individually; National Socialist Movement and its members individually; League of the South and its members individually; Vanguard America and its members individually; Identity Evropa and its members individually; and the Lightfoot Militia and its members individually.

**ANSWER: Mr. Kessler does not recall any communication with any of the individuals or groups listed with the exception of Brian Lambert. To the best of Mr. Kessler's knowledge none of the individuals or groups listed, including Brian Lambert, is planning to attend the upcoming rally. Persons expected to speak at the rally are Patrick Little, Simon Roche, David Duke, Tom Kawczynski, Corey Mahler and Avi Horton.**

2. Describe in detail the activities, including but not limited to speeches by confirmed attendees, planned to take place during the Proposed Event, including the date, time, and location of each activity.

**ANSWER: We intend to gather on August 12<sup>th</sup> around 11am at a rally point to be determined in cooperation with local law enforcement and then march as a group with police to Lee Park for the demonstration to begin at 1pm (or earlier if so granted for set-up time). We intend to speak for about 1.5 to 2 hours. Then we will march back to our cars and leave.**

3. Identify any person, organization, and/or other entity that has provided financial support, or that you have asked to provide financial support, for the Proposed Event, and state the amount each has provided or agreed to provide.

**ANSWER: Objection. Neither relevant nor designed to lead to relevant evidence. Answering over objection and without waiving same, Mr. Kessler solicits donations from the general public and has spent about \$1500 promoting and/or organizing the upcoming rally.**

4. Identify any person, organization, and/or other entity that has confirmed that they will attend the Proposed Event.

**ANSWER: Objection. The question asks, in part, for Mr. Kessler to violate the**

**rights of persons wishing to participate anonymously and is therefore improper. Answering over objection and without waiving same, No organizations have confirmed. The speakers listed above have confirmed their intent to attend and speak. Other individuals who have confirmed have done so anonymously as they have a right to do and Mr. Kessler therefore cannot identify them.**

5. Identify any person, organization, and/or other entity that has stated that they might attend the Proposed Event.

**ANSWER: Same objection as above in Answer to #4. Second objection, “might attend” is not defined. Answering over objections and without waiving same, Mr. Kessler does not have knowledge that any person or organization not encompassed by the answer above is planning to attend.**

6. Identify each social networking site on which you have posted, viewed, or received any content regarding the 2017 Event or the Proposed Event, or any of the subject matter of the Complaint.

**ANSWER: Mr. Kessler posts on Facebook, Twitter, VK, Youtube and Gab.**

7. Describe in detail any instructions you have disseminated to any person, organization, or other entity concerning the Proposed Event, including but not limited to what items to bring, whether attendees should carry firearms, either “open carry” or concealed, and how to interact with non-attendees.

**ANSWER: Mr. Kessler’s rules for the event are posted at [www.unitetherightrally.com](http://www.unitetherightrally.com). He have mentioned that people have a right to concealed carry although he prefers for general attendees not to and that we should be allowed to work with law enforcement to determine what we can carry to block bricks, pepper spray, or biological agents thrown at us by Antifa or other counterprotestors.**

8. Describe in detail all facts supporting, underlying, or otherwise demonstrating that as of the time of your application for a permit for the Proposed Event 400 persons would attend it.

**ANSWER: The number is derived from Mr. Kessler’s best guess based on the relevant community’s response to the announcement of the proposed event. The number has been borne out since the date of the application and Mr. Kessler now expects no more than 300 supporters to attend the rally.**

9. Identify each communication you have had with a current or former employee of the City, orally or in writing, regarding the Proposed Event.

**ANSWER: Objection to the qualifier “each communication”. Answering over objection and without waiving same Mr. Kessler does not recall any other than e-mails sent to City e-mail addresses. Communications, including those advising the City of threats of violence made by opponents of the proposed event, were communicated to either Capt. Mitchell, Brian Wheeler, or Capt. Lewis.**

10. Identify each person, or group or organization, who attended the 2017 Event per your formal or informal invitation, or through an informal or formal invitation of another person, organization, and/or other entity affiliated or working with you.

**ANSWER: Objection to the qualifier “each person” etc. Answering over objection and without waiving same, to the best of Mr. Kessler’s knowledge, Parties who attended pursuant to an invitation sent by Mr. Kessler or per his instruction to do so were: League of the South, Identity Europa, Traditionalist Workers Party, National Socialist Movement, Vanguard America, Richard Spencer, Matt Heimbach, Michael Hill, Michael Peinovich, Augustus Invictus, Pax Dickinson.**

11. Identify each communication, whether oral or in writing, that you had with any member of law enforcement in any State or Commonwealth at any time before or during the 2017 Event, beginning on February 6, 2017.

**ANSWER: Objection to the qualifier “each communication”. Answering over objection and without waiving same, Mr. Kessler cannot be certain that he remembers each communication without exception. Mr. Kessler primarily spoke with Captain Wendy Lewis, Captain Victor Mitchell and former Police Chief Al Thomas of the Charlottesville Police Department. Mr. Kessler also notified Lt Tabler of the UVA police department about the August 11<sup>th</sup> 2017 march.**

12. Identify each communication, whether oral or in writing, that you had with any member of law enforcement in any State or Commonwealth at any time after the 2017 Event up to the present, including the substance of the communication and the date on which, and place where, such communication occurred.

**ANSWER: Objection to the qualifier “each communication”. Answering over objection and without waiving same, Mr. Kessler cannot be certain that he remembers each communication without exception. Mr. Kessler recalls speaking with Wendy Lewis and Victor Mitchell regarding coordination with law enforcement as to the proposed event.**

13. Describe the insurance coverage you obtained for the 2017 Event and state whether

any claims were made under the insurance.

**ANSWER: Mr. Kessler tried to purchase liability coverage through Evanston Insurance but protestors complained and got the coverage cancelled.**

14. Identify each electronic device that you used or maintained for communication purposes from February 6, 2017, through the present (including but not limited to computers, mobile devices, and landline telephones), and for each device, identify the service provider, telephone number, computer number, and the ownership and present location of the device, as well as the approximate time period you used the device.

**ANSWER: Mr. Kessler uses and has used an iPhone on Verizon. The phone number is (434) 996-5567. He also has and has had a PC and laptop on Comcast.**

15. Identify all groups, including but not limited to Unity and Security for America, of which you are a member and all the individuals who are members of those groups.

**ANSWER: Objection. The qualifier "all individuals" is neither relevant nor designed to lead to relevant evidence. Second objection, The question asks, in part, for Mr. Kessler to violate the rights of persons wishing to politically participate anonymously and is therefore improper. Answering over objections and without waiving same Mr. Kessler founded two organizations "Unity and Security for America" and "New Byzantium". Both organizations are presently inactive.**

## **II. DOCUMENT REQUESTS**

Response to all RFP's:

**ANSWER:**Mr. Kessler has extensive responsive documents in a “dropbox” account and will provide access to Defendants in the manner they agree upon between attorneys for the parties.

In addition, Mr. Kessler has forwarded several responsive e-mails to his attorneys with the intention that these be forwarded to attorneys for the defense.

Respectfully Submitted and as to Objections:

s/ James E. Kolenich PHV

James E. Kolenich

Ohio Bar Number: 0077084

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on **June 20, 2018** **via email** upon: Ms. Linda Odom Esq. ***Attorney for Defendants*** as follows: email: [Linda.Odom@klgates.com](mailto:Linda.Odom@klgates.com)

**s/ James E. Kolenich PHV**

James E. Kolenich

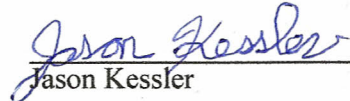
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**VERIFICATION**

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I have reviewed the attached responses to discovery and verify that they are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 20, 2018.

  
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Jason Kessler